

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

Mr. Lamont Davidson d.b.a.  
Walcott CB Sales, Inc.  
2940 North Plainview Road  
Walcott, IA 52773

File No.: EB-04-DL-040  
Citation: C20043250002  
Sent via Certified  
Return Receipt Requested  
and First Class U.S. Mail

**CITATION**

**Released:** April 7, 2004

By the Enforcement Bureau, Dallas Office:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"),<sup>1</sup> to Mr. Lamont Davidson d.b.a. Walcott CB Sales, Inc. for violation of Section 302(b) of the Act,<sup>2</sup> and Section 2.803(a)(1) of the Commission's Rules.<sup>3</sup>

2. An investigation by the FCC's Dallas Office revealed that the Internet domain name [walcottcb.com](http://walcottcb.com) is registered to Walcott CB Sales, Inc., 2940 North Plainview Road, Walcott, Iowa 52773 with Lamont Davidson, Walcott CB Sales, Inc. listed as the administrative and technical contact. Furthermore, on February 24, 2004, Mr. Lamont Davidson d.b.a. Walcott CB Sales, Inc. through the Internet site(s) [www.walcottcb.com](http://www.walcottcb.com) (with an address listed on the site as Walcott CB Sales, Inc., 2940 North Plainview Road, Walcott, IA) offered for sale, the following thirty-four (34) non-certified Citizens Band transceivers:

<u>NAME</u>	<u>MODEL</u>	<u>PRICE</u>	<u>DESCRIPTION</u>
Connex	3300HP	\$229.95	Echo Board with Two Controls
Connex	3300HPCF	\$239.95	Echo Board with Two Controls
Connex	4400HP	\$274.95	Echo Board with Dual Controls
Connex	4800DXL	\$374.95	Echo Board with Dual Control
Connex	Coyote Hunter	\$189.95	AM/FM/PA modes
Connex	Deerhunter	\$149.95	AM/FM/PA modes
Galaxy	DX33HML	\$219.95	
Galaxy	DX44V	\$239.95	
Galaxy	DX45MP	\$289.95	
Galaxy	48T	\$399.95	
Galaxy	DX55V	\$209.95	
Galaxy	DX66V	\$299.95	
Galaxy	DX73V	\$349.95	
Galaxy	DX77HML	\$299.95	
Galaxy	DX88HL	\$369.95	

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<sup>1</sup> 47 U.S.C. § 503(b)(5)

<sup>2</sup> 47 U.S.C. § 302a(b)

<sup>3</sup> 47 C.F.R. § 2.803(a)(1)

<u>NAME</u>	<u>MODEL</u>	<u>PRICE</u>	<u>DESCRIPTION</u>
Galaxy	DX93T	\$449.95	
Galaxy	DX99V	\$399.99	
General	Grant	\$399.95	
General	A.P. Hill	\$174.95	
General	Lee	\$229.95	
General	Longstreet	\$269.95	
General	Washington	\$229.95	
Magnum	357DX	\$379.95	
Magnum	DeltaForce	\$269.95	
President	Lincoln	\$344.95	
Ranger	RCI-2950DX	\$319.95	10 & 12 meter
Ranger	RCI-2970DX	\$449.95	10 & 12 meter
Ranger	RCI-2980WX	\$429.95	Base AM-FM-SSB modes
Ranger	RCI-2985DX	\$444.95	10 & 12 meter base AM-FM-SSB-CW
Ranger	RCI-2995DX	\$554.95	10 & 12 meter base AM-FM-SSB-CW
Ranger	RCI-6300F-25	\$299.95	AM-FM modes
Ranger	RCI-6300F-150	\$449.95	AM-FM modes
Ranger	RCI-6900F-25	\$339.95	AM-FM-SSB modes
Ranger	RCI-6900F-150	\$489.95	AM-FM-SSB modes

According to the Commission's records, these devices have not received an FCC equipment authorization which is required for Citizens Band transmitters marketed in the United States.

3. Section 302(b) of the Act<sup>2</sup> provides "[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." Section 2.803(a)(1) of the Rules<sup>3</sup> provides that "... no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled ...." Mr. Lamont Davidson d.b.a. Walcott CB Sales, Inc's offer for sale of these devices violates both sections.

4. Mr. Lamont Davidson d.b.a. Walcott CB Sales, Inc. marketed these devices as amateur transceivers. The Commission has evaluated radiofrequency devices similar to those listed in paragraph 2 and concluded that the devices at issue are not only amateur radios but can easily be altered for use as Citizens Band devices as well. A CB transmitter is a transmitter that operates or is intended to operate at a station authorized for the CB service, and it must be certificated by the FCC prior to marketing or importation.<sup>4</sup> The Commission has further concluded that these devices fall within the definition of a CB transmitter and therefore cannot legally be imported or marketed in the United States. *See* Response from the Commission's General Counsel to U.S. Customs Service dated May 17, 1999, 14 FCC Rcd 7797 (1999).

5. Additionally, dual use CB and amateur radios of the kind at issue here may not be certificated under the Commission's rules. Section 95.655(a) of the rules<sup>5</sup> states: "... ([CB] Transmitters with frequency

<sup>4</sup> See 47 C.F.R. §§ 95.603(c) & 2.803

<sup>5</sup> 47 C.F.R. § 95.655(a)

capability for the Amateur Radio Services . . . will not be certificated.)” *See also* FCC 88-256, 1988 WL 488084 (August 17, 1988). This clarification was added to explicitly foreclose the possibility of certification of dual use CB and amateur radios, *see id.*, and thereby deter use by CB operators of frequencies allocated for amateur radio use.

6. Furthermore, the Commission has revised Section 2.1204(a)(5) of its rules<sup>6</sup> to prohibit all marketing and/or offering for sale in the United States of such devices even when the purchaser(s) had provided assurances that the transceivers are being bought solely for export. ALL DOMESTIC MARKETING OF SUCH DEVICES VIOLATES THE COMMUNICATIONS ACT OF 1934, AS AMENDED, AND THE COMMISSION'S RULES.

7. In addition to the marketing of the non-certified transceivers addressed above, Mr. Lamont Davidson d.b.a. Walcott CB Sales, Inc. is warned that Section 302(b) of the Act<sup>2</sup>, and Section 2.815(c) of the Commission's Rules<sup>7</sup> requires FCC Type Acceptance (or Certification) of External Radio Frequency Power Amplifiers (or amplifier kits) capable of operation on any frequency or frequencies below 144 MHz. Furthermore, Section 2.815(b) of the Commission's Rules<sup>8</sup> prohibits the marketing of External Radio Frequency Power Amplifiers (or amplifier kits) capable of operation on any frequency or frequencies between 24 and 35 MHz.

8. Subsequent violations of the Communications Act and/or of the Commission's Rules may subject the violator to substantial monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation,<sup>9</sup> seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.<sup>10</sup>

9. Mr. Lamont Davidson d.b.a. Walcott CB Sales, Inc. may request a personal interview at the closest FCC location to its place of business,<sup>11</sup> namely:

Federal Communications Commission  
Park Ridge Office Center, Suite 306  
1550 Northwest Highway  
Park Ridge, Illinois 60068-1460

which can be contacted by telephone at XXX XXX-XXXX. He must schedule this interview to take place within 14 days of the date of this citation. Mr. Lamont Davidson d.b.a. Walcott CB Sales, Inc. may submit a written statement within 14 days of the date of this citation to the following address:

Federal Communications Commission  
9330 LBJ Freeway, Suite 1170  
Dallas, Texas 75243-3470

which can be contacted by telephone at XXX XXX-XXXX. Any written statement should specify what actions

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<sup>6</sup> 47 C.F.R. § 2.1204(a)(5) revised effective February 28, 2000

<sup>7</sup> 47 C.F.R. § 2.815(c)

<sup>8</sup> 47 C.F.R. § 2.815(b)

<sup>9</sup> *See* 47 C.F.R. § 1.80(b)(3)

<sup>10</sup> *See* 47 U.S.C. §§ 401, 501, 503, 510

<sup>11</sup> *See* 47 U.S.C. § 503(b)(5)

have been taken to correct the violation outlined above. When corresponding with the Commission, case number EB-04-DL-040 and citation number C20043250002 should be referenced.

10. Any statement or information provided may be used by the Commission to determine if further enforcement action is required.<sup>12</sup> Any knowingly or willfully false statement made in reply to this notice is punishable by fine or imprisonment.<sup>13</sup>

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells  
District Director - Dallas Office

LRB

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1550 Northwest Hwy  
Park Ridge, IL 60068-1460

Federal Communications Commission  
Second Floor  
520 NE Colbern Rd  
Lee's Summit, MO 64086

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<sup>12</sup> See Privacy Act of 1974, 5 U.S.C. §552a(e)(3)

<sup>13</sup> See 18 U.S.C. §1001